UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,608	07/24/2003	S. Mark Gillette	03549.0095-01	7951

22852 7590 01/13/2005

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER	
BEFUMO, JENNA LEIGH	

ART UNIT	PAPER NUMBER
1771	

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/625,608	GILLETTE, S. MARK	
	Examiner	Art Unit	
	Jenna-Leigh Befumo	1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 October 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) *1-4* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *5 and 7-19* is/are rejected.

7)☒ Claim(s) *6* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *7/03*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The Amendment submitted on October 21, 2004, has been entered. Claims 1 – 7 have been amended and claims 8 – 19 have been added. Therefore, the pending claims are 1 – 19.

Election/Restrictions

2. Applicant's election with traverse of Group II in the reply filed on October 21, 2004 is acknowledged. The traversal is on the grounds that the inventions are not distinct for the reasons recited by the examiner (page 8). This is not found persuasive because the claims as amended require the product to be applied to a depth of ½ the thickness of the substrate. This limitation is not present in the process claims and is not required in the composition claims either. Therefore, the method of making the product and the product are distinct.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 5, 7, 8, and 13 – 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (5,756,161).

Taylor discloses a lofty, dense nonwoven web comprising a cleaning composition (abstract). The cleaning composition comprises a surfactant blend having one or more nonionic surfactants and one or more anionic surfactants (column 4, lines 23 – 28). The nonionic

surfactant can be a coconut monoethanolamide, stearic monoethanolamide, coconut diethanolmide (column 4, lines 30 – 35). The cleaning composition has a semi-solid bar-like character at room temperature (column 4, lines 60 – 65).

The lofty nonwoven web is preferably constructed of polyester fibers and made through a dry laid or air laid web forming process which is then needlepunched (column 3, lines 60 – 67). Taylor teaches that the nonwoven material preferably has a thickness of 0.125 to 3 in (125 to 3000 mils) (column 3, lines 55 – 58). However, Taylor discloses that the nonwoven material can be any size or shape without departing from the spirit of the invention (column 3, lines 50 – 53).

Taylor fails to teach that the cleansing composition comprises a depth of ½ the thickness of the nonwoven web. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the coating to a depth of approximately one-half of the thickness of the fabric, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215. One of ordinary skill in the art would be motivated by the need to provide a cost-efficient cleaning product which has enough of the cleaning composition to adequately clean the desired product while decreasing the cost of production by limiting the amount of soap added to the cleaning product. Further, it would have been obvious to modify the distribution of the cleaning composition in the fabric so that the fabric produced would have an uncoated side which has a better, softer hand during use. This would protect the users hands from becoming covered in soap during use while still efficiently cleaning the desired surface. Thus, claims 5, 7, 16, and 18 are rejected.

Claim 8 is also rejected since the amount of water used to prepare the composition would not matter in the final product since the water is evaporated to create a solid soap mixture.

Claims 19 is also rejected since polyester inherently has a melting point greater than 140°C.

Further, claim 13 is also rejected since a residue left on a surface by the cleaning article is not a positive structural limitation of the claimed article. Instead, the material is only required to be capable of leaving a residue. The article taught by Taylor would leave a soap residue when wiped on a surface.

Taylor fails to teach the claimed basis weight of the fabric and a thickness of 60 to 80 mils. However, Taylor does teach that the fabric can be any shape or size desired. Therefore, it would have been obvious to one of ordinary skill in the art to optimize the basis weight and thickness of the fabric to choose a weight and thickness with sufficient strength to be used as a cleaning cloth without ripping or disintegrating during use, while minimizing the amount of raw materials used to produce the fabric. Further, it would have been obvious to one having ordinary skill in the art at the time the invention was made to choose the claimed basis weight and thickness, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215. Thus, claims 14, 15, and 17 are rejected.

5. Claims 9 – 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor in view of Sheridan (6,103,644).

The features of Taylor have been set forth above. Taylor fails to teach using dialkylammonium chloride or ethylene oxide/propylene oxide block copolymer in the cleaning

composition. Sheridan is drawn to a cleaning matrix coated with a soap composition which is dry to the touch. The cleaning composition includes a mixture of surfactants, lubricants, protectants, and emollients (column 3, lines 22 – 25). Sheridan teaches using known surfactants such as dimethyl ammonium chloride (column 4, lines 32 – 34) and polyoxyethylene polypropyl block copolymers (column 4, line 61) in the cleaning composition. It would have been obvious to one having ordinary skill in the art to use known surfactants used to create soap compositions in the composition taught by Taylor, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use. *In re Leshin*, 125 USPQ 416. Taylor teaches that one or more surfactant can be mixed together to produce the soap composition. It would be obvious to those of ordinary skill to add additional surfactants which are also used in soap compositions to produce a cleansing product. Further, it is obvious to one having ordinary skill in the art to combine the separately-taught prior art ingredients which perform the same function since it is logical that they would produce the same effect and supplement each other. *In re Crockett and Hulme*, 126 USPQ 186 (CCPA 1960). Thus, claims 9 – 12 are rejected.

Allowable Subject Matter

6. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: The prior art fails to teach or fairly suggest creating a cleansing pad with a cleaning composition made from an alkanolamide, an anionic surfactant, and either a wax or an imidazoline, which is

solid at room temperature and coated onto a needle punched nonwoven fabric. While Taylor teaches adding a cleaning composition with an alkanolamide and an anionic surfactant to a needle punched fabric, there is no teaching in the prior art to add a wax or imidizoline component to the solid soap composition which is used to clean hard metal surfaces such as pots and pans.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenna-Leigh Befumo whose telephone number is (571) 272-1472. The examiner can normally be reached on Monday - Friday (8:00 - 5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jenna-Leigh Befumo
January 10, 2005